

[Submitting Counsel on Signature Page]

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY
PRODUCTS LIABILITY LITIGATION

MDL No. 3047

Case No. 4:22-03047-YGR

This Document Relates to:

ALL ACTIONS

**OMNIBUS SEALING STIPULATION
PURSUANT TO THE ORDER GRANTING
MOTION TO FILE UNDER SEAL;
SETTING SEALING PROCEDURES**

Pursuant to the Court's Order Granting Motion to File Under Seal; Setting Sealing Procedures ("Sealing Procedures Order") (ECF 341), the Parties, through their undersigned counsel, hereby submit this Omnibus Sealing Stipulation.

The Parties declare in support of this Stipulation:

1. In accordance with Section II of the Sealing Procedures Order, entitled Post-Briefing Omnibus Sealing Procedures, the Parties have met and conferred regarding the Parties' proposed sealing and redactions in the Defendants' Brief in Support of Bellwether Discovery Pool Selections (ECF 754) and Plaintiffs' Brief in Support of Bellwether Discovery Pool Selections (ECF 755).

2. In accordance with the Sealing Procedures Order, the Parties have created the attached Chart listing the portion of each Bellwether Brief to be redacted.

3. The Parties have limited proposed redactions to two categories of material: information about minors, including a minor's name, which is entitled to privacy protection under Federal Rules of Civil Procedure Rule 5.2(a); and Protected Health Information as defined by the Parties' Stipulated Second Modified Protective Order. (ECF 665).

4. In addition, the Parties have limited proposed redactions to materials that are not currently on the public docket.

5. Plaintiffs state the following:

a. Information about minors is broadly protected by F.R.C.P. 5.2(a) *See Dew v. City of Seaside*, No. 19-CV-06009-HSG, 2020 WL 7016638, at *2 (N.D. Cal. Apr. 15, 2020) (“[t]he documents include the full names of minors involved in this case, which are specifically entitled to privacy protection by Federal Rule of Civil Procedure 5.2(a)(3)”; *Price v. Heedon*, 2010 WL 889862 (D. Mont. 2010) (ordering complaint providing full name of plaintiff's minor daughter to be sealed and directed plaintiff to comply with Rule 5.2 in future filings); *Meyers v. Kaiser Found. Health Plan Inc.*, No. 17-CV-04946-LHK, 2019 WL 120657, at *2 (N.D. Cal. Jan. 6, 2019) (“the Court agrees that compelling reasons exist to seal the parties' filings that included the name of the plaintiff's minor daughter”). *See also In re Flint Water Cases*, No. 517CV10164JELMKM, 2021 WL 2254064, at *2 (E.D. Mich. May 20, 2021) (private medical information of the Bellwether Plaintiffs, identifying information of minors, and addresses of minor Plaintiffs, all is appropriate to redact and/or seal).

b. It is imperative that the court system not perpetuate harm by making the identities of vulnerable children known. *See Doe ex rel. Doe v. Kamehameha Sch./Bernice Pauahi Bishop Est.*, 625 F.3d 1182, 1184, 1188 (9th Cir. 2010) (Reinhardt, J., dissenting) (explaining that Rule 5.2(a) “reflects a policy judgment that little if any public interest lies in learning the identity of youthful litigants while a strong public interest exists in protecting their identities” *See also A.K.L v. Moreno Valley Unified Sch. Dist.*, No. EDCV18430JGBSHKX, 2021 WL 4352362, at *4 (C.D. Cal. May 21, 2021).

c. Protected Health Information (“PHI”): “has the meaning set forth in 45 C.F.R. §§ 160.103 and 164.501...and includes but is not limited to individually identifiable health

1 information, including demographic information, relating to either (a) the past, present, or future
2 physical or mental condition of an individual; (b) the provision of health care to an individual...”
3 Stipulated Second Modified Protective Order. ECF No. 665.

4 d. In *A.C. v. City of Santa Clara*, No. 13-CV-03276-HSG, 2015 WL 4076364,
5 at *2 (N.D. Cal. July 2, 2015), Judge Gilliam found that when it comes to medical records,
6 “compelling confidentiality concerns outweigh the presumption of public access to court
7 records.” See *Dalton v. Cnty. of San Diego*, No. 3:21-CV-2143 W (WVG), 2024 WL 1319719, at
8 *1 (S.D. Cal. Mar. 27, 2024) (to the extent the exhibits identify a minor and implicate her
9 criminal and mental health history, the documents may be sealed.); *San Ramon Reg’l Med. Ctr.,*
10 *Inc. v. Principal Life Ins. Co.*, No. 10–cv–02258–SBA, 2011 WL 89931, at *1 n.1 (N.D.Cal. Jan.
11 10, 2011) (finding that confidentiality of medical records under the Health Insurance Portability
12 and Accountability Act of 1996 outweighed *Kamakana* presumption in favor of public access to
13 court records); *Ballou v. McElvain*, No. 3:19-CV-05002-DGE, 2023 WL 8236530, at *2 (W.D.
14 Wash. Nov. 28, 2023) (concluding that there is great need to protect sensitive medical
15 information from public disclosure such as plaintiff’s mental state, including mental health
16 symptoms). See also *Liaw v. United Airlines, Inc.*, No. 19-CV-00396-WHA, 2019 WL 6251204,
17 at *10 (N.D. Cal. Nov. 22, 2019) (private medical records sealed under higher ‘compelling
18 reason’ standard); *Pratt v. Gamboa*, No. 17-CV-04375-LHK, 2020 WL 8992141, at *2 (N.D. Cal.
19 May 22, 2020). (‘compelling reasons’ justify sealing Plaintiff’s medical records which are deemed
20 confidential under the Health Insurance Portability and Accountability Act of 1996); *Bruce v.*
21 *Azar*, 389 F. Supp. 3d 716, 727 (N.D. Cal. 2019), aff’d, 826 F. App’x 643 (9th Cir. 2020) (courts
22 have found under ‘compelling reason’ standard that a party’s privacy interests in medical records
23 and private information outweigh the public’s interest in access.); *Woods v. City of Hayward*, No.
24 19-CV-01350-JCS, 2021 WL 4061657, at *20 (N.D. Cal. Sept. 7, 2021) (to the extent proposed
25 redactions are based on medical privacy, privacy interests related to juvenile correctional records,
26 or the privacy protections of Rule 5.2, plaintiff has shown ‘compelling reasons’ to maintain that
27 material under seal and his requests are narrowly tailored).

1 e. PHI, which is already subject to the Stipulated Second Modified Protective
2 Order, should remain sealed in the Bellwether Briefs, including the statistical analysis and
3 Plaintiff narratives detailing specific “past, present, or future physical or mental conditions” and
4 “the provision of health care” such as hospitalizations. *See* ECF No. 665. The names and the
5 parents’ names of minor plaintiffs should also remain sealed in accordance with F.R.C.P. Rule
6 5.2(a). The Bellwether plaintiffs, all of whom were injured as minors, should be protected from
7 any potential embarrassment resulting from having their PHI linked to their identities as
8 recognized by this Court and well-established Ninth Circuit precedent.

9 6. Defendants’ position is that Plaintiffs’ medical histories are not subject to absolute
10 protection, given that Plaintiffs have put those medical histories at issue by filing these lawsuits.
11 *See, e.g., Howard v. Cox*, 2021 WL 4487603, at *2 (D. Nev. Sept. 30, 2021) (sealing medical
12 records but declining to “require the parties to redact the parts of those records that they quote or
13 paraphrase in their briefs because those points are relevant to [plaintiff’s] claims in this action”);
14 *Cole v. Janssen Pharms., Inc.*, No. 15-CV-57, 2017 WL 2929523, at *3 (E.D. Wis. July 10, 2017)
15 (“To the extent that the information from the medical records is incorporated into other
16 documents filed by the parties or orders issued by this court, that information is relevant to the
17 issues raised in the case and should be available to the public.”). Nonetheless, to obviate the need
18 for the Court to address a sealing dispute, Defendants agree to seal certain material from these
19 briefs without prejudice to their ability to argue that such material should be unsealed in
20 subsequent filings.

21 THEREFORE, in accordance with the Sealing Procedures Order, the Parties stipulate and
22 respectfully request that the Court accept their undisputed requests to maintain the redactions in
23 the Defendants’ Brief in Support of Bellwether Discovery Pool Selections (ECF 754) and
24 Plaintiffs’ Brief in Support of Bellwether Discovery Pool Selections (ECF 755), as set forth in
25 attached Chart and the duly submitted Proposed Order Addressing All Undisputed Sealing
26 Requests emailed to the Court’s proposed order inbox.

27 **IT IS SO STIPULATED AND AGREED**
28

1 DATED: May 6, 2024

Respectfully submitted,

2 By: /s/ Lexi J. Hazam

3 LEXI J. HAZAM

4 **LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP**

5 275 BATTERY STREET, 29TH FLOOR
SAN FRANCISCO, CA 94111-3339

6 Telephone: 415-956-1000

lhazam@lchb.com

7 PREVIN WARREN

8 **MOTLEY RICE LLC**

401 9th Street NW Suite 630

9 Washington DC 20004

10 Telephone: 202-386-9610

pwarren@motleyrice.com

11 Co-Lead Counsel

12 CHRISTOPHER A. SEEGER

13 **SEEGER WEISS, LLP**

14 55 CHALLENGER ROAD, 6TH FLOOR

RIDGEFIELD PARK, NJ 07660

15 Telephone: 973-639-9100

cseeger@seegerweiss.com

16 Counsel to Co-Lead Counsel

17 JENNIE LEE ANDERSON

18 **ANDRUS ANDERSON, LLP**

19 155 MONTGOMERY STREET, SUITE 900

SAN FRANCISCO, CA 94104

20 Telephone: 415-986-1400

jennie@andrusanderson.com

21 Liaison Counsel

22 EMILY C. JEFFCOTT

23 **MORGAN & MORGAN**

24 633 WEST FIFTH STREET, SUITE 2652

LOS ANGELES, CA 90071

25 Telephone: 213-787-8590

ejeffcott@forthepeople.com

26 JOSEPH VANZANDT

27 **BEASLEY ALLEN**

28 234 COMMERCE STREET

MONTGOMERY, LA 36103

1 Telephone: 334-269-2343
2 joseph.vanzandt@beasleyallen.com

3 Federal/State Liaisons

4 MATTHEW BERGMAN
5 GLENN DRAPER
6 **SOCIAL MEDIA VICTIMS LAW CENTER**
7 821 SECOND AVENUE, SUITE 2100
8 SEATTLE, WA 98104
9 Telephone: 206-741-4862
10 matt@socialmediavictims.org
11 glenn@socialmediavictims.org

12 JAMES J. BILSBORROW
13 **WEITZ & LUXENBERG, PC**
14 700 BROADWAY
15 NEW YORK, NY 10003
16 Telephone: 212-558-5500
17 jbilborrow@weitzlux.com

18 JAYNE CONROY
19 **SIMMONS HANLY CONROY, LLC**
20 112 MADISON AVE, 7TH FLOOR
21 NEW YORK, NY 10016
22 Telephone: 917-882-5522
23 jconroy@simmonsfirm.com

24 ANDRE MURA
25 **GIBBS LAW GROUP, LLP**
26 1111 BROADWAY, SUITE 2100
27 OAKLAND, CA 94607
28 Telephone: 510-350-9717
amm@classlawgroup.com

ALEXANDRA WALSH
WALSH LAW
1050 Connecticut Ave, NW, Suite 500
Washington D.C. 20036
Telephone: 202-780-3014
awalsh@alexwalshlaw.com

MICHAEL M. WEINKOWITZ
LEVIN SEDRAN & BERMAN, LLP
510 WALNUT STREET
SUITE 500
PHILADELPHIA, PA 19106
Telephone: 215-592-1500

1 mweinkowitz@lfsbalw.com

2 Plaintiffs' Steering Committee Leadership

3 RON AUSTIN
4 **RON AUSTIN LAW**
5 400 MANHATTAN BLVD.
6 HARVEY, LA 70058
7 Telephone: 504-227-8100
8 raustin@ronaustinlaw.com

9 PAIGE BOLDT
10 **WALSH LAW**
11 4 Dominion Drive, Bldg. 3, Suite 100
12 San Antonio, TX 78257
13 Telephone: 210-448-0500
14 PBoldt@alexwalshlaw.com

15 THOMAS P. CARTMELL
16 **WAGSTAFF & CARTMELL LLP**
17 4740 Grand Avenue, Suite 300
18 Kansas City, MO 64112
19 Telephone: 816-701-1100
20 tcartmell@wcllp.com

21 SARAH EMERY
22 **HENDY JOHNSON VAUGHN EMERY PSC**
23 600 WEST MAIN STREET, SUITE 100
24 LOUISVILLE, KT 40202
25 Telephone: 859-600-6725
26 semery@justicestartshere.com

27 CARRIE GOLDBERG
28 **C.A. GOLDBERG, PLLC**
16 Court St.
Brooklyn, NY 11241
Telephone: 646-666-8908
carrie@cagoldberglaw.com

RONALD E. JOHNSON, JR.
HENDY JOHNSON VAUGHN EMERY PSC
600 WEST MAIN STREET, SUITE 100
LOUISVILLE, KT 40202
Telephone: 859-578-4444
rjohnson@justicestartshere.com

SIN-TING MARY LIU
AYLSTOCK WITKIN KREIS &

1 **OVERHOLTZ, PLLC**
2 17 EAST MAIN STREET, SUITE 200
3 PENSACOLA, FL 32502
4 Telephone: 510-698-9566
5 mliu@awkolaw.com

6 JAMES R. MARSH
7 **MARSH LAW FIRM PLLC**
8 31 HUDSON YARDS, 11TH FLOOR
9 NEW YORK, NY 10001-2170
10 Telephone: 212-372-3030
11 jamesmarsh@marsh.law

12 JOSEPH E. MELTER
13 **KESSLER TOPAZ MELTZER & CHECK**
14 **LLP**
15 280 KING OF PRUSSIA ROAD
16 RADNOR, PA 19087
17 Telephone: 610-667-7706
18 jmeltzer@ktmc.com

19 HILLARY NAPPI
20 **HACH & ROSE LLP**
21 112 Madison Avenue, 10th Floor
22 New York, New York 10016
23 Telephone: 212-213-8311
24 hnappi@hrsclaw.com

25 EMMIE PAULOS
26 **LEVIN PAPANTONIO RAFFERTY**
27 316 SOUTH BAYLEN STREET, SUITE 600
28 PENSACOLA, FL 32502
Telephone: 850-435-7107
epaulos@levinlaw.com

RUTH THI RIZKALLA
THE CARLSON LAW FIRM, PC
1500 ROSECRANS AVE., STE. 500
MANHATTAN BEACH, CA 90266
Telephone: 415-308-1915
rrizkalla@carlsonattorneys.com

ROLAND TELLIS
DAVID FERNANDES
BARON & BUDD, P.C.
15910 Ventura Boulevard, Suite 1600
Encino, CA 91436
Telephone: 818-839-2333

rtellis@baronbudd.com
dfernandes@baronbudd.com
MELISSA YEATES
**KESSLER TOPAZ MELTZER & CHECK
LLP**
280 KING OF PRUSSIA ROAD
RADNOR, PA 19087
Telephone: 610-667-7706
myeates@ktmc.com

DIANDRA “FU” DEBROSSE
ZIMMERMANN
DICELLO LEVITT
505 20th St North
Suite 1500
Birmingham, Alabama 35203
Telephone: 205-855-5700
fu@dicellolevitt.com

Plaintiffs’ Steering Committee Membership

Attorneys for Individual Plaintiffs

COVINGTON & BURLING LLP

By: /s/ Ashley M. Simonsen
Ashley M. Simonsen, SBN 275203
COVINGTON & BURLING LLP
1999 Avenue of the Stars
Los Angeles, CA 90067
Telephone: (424) 332-4800
Facsimile: + 1 (424) 332-4749
Email: asimonsen@cov.com

Phyllis A. Jones, *pro hac vice*
Paul W. Schmidt, *pro hac vice*
COVINGTON & BURLING LLP
One City Center
850 Tenth Street, NW
Washington, DC 20001-4956
Telephone: + 1 (202) 662-6000
Facsimile: + 1 (202) 662-6291
Email: pajones@cov.com

*Attorney for Defendants Meta Platforms, Inc.
f/k/a Facebook, Inc.; Facebook Holdings,
LLC; Facebook Operations, LLC; Facebook*

1 *Payments, Inc.; Facebook Technologies, LLC;*
2 *Instagram, LLC; Siculus, Inc.; and Mark Elliot*
3 *Zuckerberg*

4 FAEGRE DRINKER LLP
5 By: /s/ Andrea Roberts Pierson
6 Andrea Roberts Pierson, *pro hac vice*
7 FAEGRE DRINKER LLP
8 300 N. Meridian Street, Suite 2500
9 Indianapolis, IN 46204
10 Telephone: + 1 (317) 237-0300
11 Facsimile: + 1 (317) 237-1000
12 Email: andrea.pierson@faegredrinker.com
13 Email: amy.fiterman @faegredrinker.com

14 Amy R. Fiterman, *pro hac vice*
15 FAEGRE DRINKER LLP
16 2200 Wells Fargo Center
17 90 South Seventh Street
18 Minneapolis, MN 55402
19 Telephone: +1 (612) 766-7768
20 Facsimile: +1 (612) 766-1600
21 Email: amy.fiterman@faegredrinker.com

22 Geoffrey Drake, *pro hac vice*
23 KING & SPALDING LLP
24 1180 Peachtree Street, NE, Suite 1600
25 Atlanta, GA 30309
26 Tel.: 404-572-4600
27 Email: gdrake@kslaw.com
28 Email: dmatter@kslaw.com

David Mattern, *pro ha vice*
KING & SPALDING LLP
1700 Pennsylvania Avenue, NW, Suite 900
Washington, D.C. 20006
Telephone: +1 (202) 626-2946
Email: dmatter@kslaw.com

Attorneys for Defendants TikTok Inc. and
ByteDance Inc.

MUNGER, TOLLES & OLSEN LLP
By: /s/ Jonathan H. Blavin
Jonathan H. Blavin, SBN 230269
MUNGER, TOLLES & OLSON LLP
560 Mission Street, 27th Floor
San Francisco, CA 94105-3089

Telephone: (415) 512-4000
Facsimile: (415) 512-4077
Email: jonathan.blavin@mto.com

Rose L. Ehler (SBN 29652)
Victoria A. Degtyareva (SBN 284199)
Laura M. Lopez, (SBN 313450)
Ariel T. Teshuva (SBN 324238)
MUNGER, TOLLES & OLSON LLP
350 South Grand Avenue, 50th Floor
Los Angeles, CA 90071-3426
Telephone: (213) 683-9100
Facsimile: (213) 687-3702
Email: rose.ehler@mto.com
Email: victoria.degtyareva@mto.com
Email: Ariel.Teshuva@mto.com

Lauren A. Bell (*pro hac vice forthcoming*)
MUNGER, TOLLES & OLSON LLP
601 Massachusetts Ave., NW St.,
Suite 500 E
Washington, D.C. 20001-5369
Telephone: (202) 220-1100
Facsimile: (202) 220-2300
Email: lauren.bell@mto.com

Attorneys for Defendant Snap Inc.

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation
By: /s/ Brian M. Willen
Brian M. Willen
WILSON SONSINI GOODRICH & ROSATI
1301 Avenue of the Americas, 40th Floor
New York, New York 10019
Telephone: (212) 999-5800
Facsimile: (212) 999-5899
Email: bwillen@wsgr.com

Lauren Gallo White
Samantha A. Machock
WILSON SONSINI GOODRICH & ROSATI
One Market Plaza, Spear Tower, Suite 3300
San Francisco, CA 94105
Telephone: (415) 947-2000
Facsimile: (415) 947-2099
Email: lwhite@wsgr.com

1 Email: smachock@wsgr.com

2 Christopher Chiou
3 WILSON SONSINI GOODRICH & ROSATI
4 633 West Fifth Street
5 Los Angeles, CA 90071-2048
6 Telephone: (323) 210-2900
7 Facsimile: (866) 974-7329
8 Email: cchiou@wsgr.com

9 *Attorneys for Defendants YouTube, LLC,*
10 *Google LLC, and Alphabet Inc.*

11 WILLIAMS & CONNOLLY LLP

12 By: /s/ Joseph G. Petrosinelli

13 Joseph G. Petrosinelli
14 jpetrosinelli@wc.com

15 Ashley W. Hardin
16 ahardin@wc.com

17 680 Maine Avenue, SW
18 Washington, DC 20024
19 Telephone.: 202-434-5000
20 Fax: 202-434-5029

21 *Attorneys for Defendants YouTube, LLC, Google*
22 *LLC, and Alphabet Inc.*

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated _____

Hon. Yvonne Gonzalez Rogers